

Nesting Structure Eligibility Standards

A General Permit is available for nesting habitat structure projects under NR 323, Wis. Adm. Code. To qualify for this general permit, your project must meet specific eligibility standards.

This application packet is designed to allow you to supply the needed information for us to assure your project is eligible for a general permit. You will want to begin by supplying all the information contained in the checklist below. If your project is eligible, or meets all the criteria below, you should then fill out the general permit application and furnish that to the identified office for review. If you do not supply all the information contained in the eligibility requirements checklist or on the application your project cannot be reviewed. We will respond within 30 days to notify you that your project is approved or that additional information is required to complete your application. In some cases, you may be notified that your project requires an Individual Permit.

Eligibility Standards

Applicant Check Box	What is Needed to Be Eligible?	Where should I place/find this info?	DNR Use Only
	You must submit photographs showing the entire project site in relation to the navigable watercourse in pre-construction condition	Attachment	
	Waterway General Permit application form (3500-108)	Form	
	Fee sheet and correct check for fee (3500-53A)	Form	
	<ul style="list-style-type: none"> On trout streams and perennial tributaries to trout streams, construction or placement is prohibited between September 15 and May 15 of any calendar year. On all waterways that are not trout streams, construction or placement north of Hwy 29 is prohibited between April 1 and June 1 annually. On all waterways that are not trout streams, construction or placement south of Hwy 29 is prohibited between March 15 and May 15 annually. 	Form/Plan	
	The nesting structure shall be placed entirely within the riparian's zone of interest	Form/Plan	
	The nesting structure may be placed and maintained only by a riparian.	Form/Plan	
	The nesting structure shall be placed solely for the purpose of improving wildlife habitat.	Plan	
	A deposit of less than 2 cubic yards of sand, gravel or stone may be associated with the placement of the nesting structure provided the deposit is limited to the area immediately underneath or within 1' of the crib.	Plan	
	Dredging is allowed for the placement of the nesting structure provided the dredging does not exceed 2 cubic yards of material	Plan	
	The nesting structure must be designed and constructed of unpainted wood or of materials that are non-gloss earthtone colors that blend into a natural shoreline setting during leaf-on condition		
	The nesting structure surface may not exceed 25 square feet	Plan	

If the department determines that a proposal submitted under this section has the potential to impact an endangered or threatened species in accordance with s. 29.604,

Stats., the application shall be deemed incomplete. The department may not consider the application complete or issue a general permit until the applicant submits information to demonstrate one of the following:

- a. that the project either avoids impacts to the threatened or endangered species or**
- b. that the project has received an incidental take authorization under 29.602, Stats.**
- c. If the project is modified, the applicant must submit the revised plan before the application can consider the application complete or issue a general permit.**

Note: Local zoning ordinances may place restrictions on cutting trees in the shoreland zone. The riparian is responsible for ensuring that their project is in compliance with any local zoning requirements.

If circumstances prevent your project from complying with the construction time restrictions above consult with your local fisheries biologist before filing this permit application.

For more information about Waterway Permitting in Wisconsin, see our website at:

<http://www.dnr.state.wi.us/org/water/fhp/waterway/index.shtml>

Application Requirements

All applications for a General Permit require a completed General Permit Application form #3500-108, with additional sheets as necessary. Follow the instructions below to complete the application form.

Section I: Landowner Information

Provide the legal name of the person, firm, public organization or any other entity that owns the project site described in Section III of the application. The contact person should be the person completely familiar with the construction site activity and charged with compliance and oversight of the permit. The mailing address, phone number, and e-mail address if available, should be for the contact person.

Section II: Contractor Information

If known at the time of application, provide the legal name of the person, firm, or any other entity that will be the major contractor in charge of the proposed project at the site described in Section III of this application. The contact person should be the project site manager completely familiar with the activity and charged with implementation of the permit. The mailing address, phone number and e-mail address if available, should be for the contact person.

Section III: Site Information

Provide the site's official or legal name and complete address, including county, city, state and zip code. Provide the name of the waterway where the project is located. List the public lands survey location [quarter-quarter, quarter, section, township and range (to the nearest quarter section)] of the site. If the site is more than one quarter, enter the quarter that best describes the location of the site. The web site at the link below can help you with the public lands survey location: <http://maps.dnr.state.wi.us/imf/dnrinf.jsp?site=webview>. Use additional space if needed to describe the site location.

Section IV: Additional Information

Dates: Enter the project's anticipated start and end dates.

Photos: Enter the date of photographs included with the application. Attach or enclose clear photographs of the project site. Include at least one front view and one side view that each depict the area where construction work will occur from the waterway, and one view of the entire site from the waterway. Too much snow cover or vegetation may obscure important details, so be sure that your photographs show the site in its existing condition. NOTE: You will also be required to submit photographs after your project is completed.

Section V: Location Sketch, Materials List and Project Plans

Refer to the sample diagram on page 4 for assistance

Location Sketch: Provide a sketch or map that identifies the project site referenced to the nearest town road or county/state highway. Be sure the map has enough detail so that we can easily find the site. Include your fire number if applicable.

Materials List: Provide a list indicating the size, type, and quantity of materials that you plan to use for the project.

Project Plans: Provide scaled plans showing the top and cross-section views, on the blank plan sheet in the application and additional sheets of 8-½ x 11-inch or 11 x 17-inch paper as necessary. Also submit a narrative summary of all information. Include the following in your plans and narrative:

TOP VIEW

- a. The nesting structure.
- b. The length and aerial extent of the nesting structure.
- c. A north arrow.

CROSS SECTION

- a. The natural waterway bottom profile at the site of the nesting structure.
- b. The normal water depth at the site.
- c. The type of sediment and depth of soft sediment.

ALL NECESSARY INFORMATION:

Submit all other information needed to show that the project will comply with the conditions identified on page 1 of these Instructions.

Submit your application

A fee is required for each Nesting structure General Permit. Remit a check or money order payable to the Wisconsin Department of Natural Resources (do not send cash). An application submitted without the required application fee will be considered incomplete.

Submit three (3) copies of the completed application, narrative and plans. Send the complete application and fee to the DNR office listed below:

NORTHERN REGION COUNTIES

Ashland	Lincoln	Aquatic Habitat Coordinator
Barron	Oneida	DNR Service Center
Bayfield	Polk	107 Sutliff Avenue
Burnett	Price	Rhineland, WI 54501
Douglas	Rusk	phone (715) 365-8926
Florence	Sawyer	
Forest	Taylor	
Iron	Vilas	
Langlade	Washburn	

NORTHEAST REGION COUNTIES

Brown	Marquette	Aquatic Habitat Coordinator
Calumet	Menominee	DNR Service Center
Door	Oconto	2984 Shawano Ave, Box 10448
Fond du Lac	Outagamie	Green Bay, WI 54307-0448
Green Lake	Shawano	phone (920) 662-5103
Kewaunee	Waupaca	
Manitowoc	Waushara	
Marinette	Winnebago	

WEST CENTRAL REGION COUNTIES

Adams	Marathon	Aquatic Habitat Coordinator
Buffalo	Monroe	DNR Service Center
Chippewa	Pepin	1300 W. Clairemont, Box 4001
Clark	Pierce	Eau Claire, WI 54702-4001
Dunn	Portage	phone (715) 839-1600
Eau Claire	St. Croix	
Jackson	Trempealeau	
Juneau	Vernon	
LaCrosse	Wood	

SOUTH CENTRAL REGION COUNTIES

Columbia	Iowa	Aquatic Habitat Coordinator
Crawford	Jefferson	DNR Service Center
Dane	Lafayette	3911 Fish Hatchery Road
Dodge	Richland	Fitchburg, WI 53711
Grant	Rock	phone (608) 275-3313
Green	Sauk	

SOUTHEAST REGION COUNTIES

Kenosha	Sheboygan	Aquatic Habitat Coordinator
Milwaukee	Walworth	DNR Service Center
Ozaukee	Washington	141 NW Barstow, Room 180
Racine	Waukesha	Waukesha, WI 53188
		phone (262) 574-2126

Notice: This application form is required under Section 30.206, Wis. Stats. and ch. NR 310, Wis. Adm. Code. Failure to submit a complete application to the Department at least 35 days prior to the date of proposed construction may result in dismissal of your application, forfeitures or other enforcement. Personally identifiable information included on this form will be used to contact you and is not intended to be used for other purposes. It may be made available to requesters under Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

Section I: Activity

Check the box(es) next to the type of General Permit you are requesting with this application:

<input type="checkbox"/> Biological Shore Erosion Control	<input type="checkbox"/> Dry Fire Hydrant	<input type="checkbox"/> Pilings	<input type="checkbox"/> Seawall Replacement
<input type="checkbox"/> Boat Ramp	<input type="checkbox"/> Fish Habitat Structure	<input type="checkbox"/> Pond – Landscape	<input type="checkbox"/> Seawall-Replace with Riprap
<input type="checkbox"/> Clear Span Bridge	<input type="checkbox"/> Ford	<input type="checkbox"/> Pond – Stormwater	<input type="checkbox"/> Weed Rake
<input type="checkbox"/> Culvert	<input type="checkbox"/> Grading – Less Than One Acre	<input type="checkbox"/> Pond – Wildlife	<input type="checkbox"/> Wildlife Habitat Structure
<input type="checkbox"/> Dredging – Drainage District	<input type="checkbox"/> Grading – One Acre or More	<input type="checkbox"/> Riprap	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Dredging - Utility Crossings	<input type="checkbox"/> Intake/Outfall Structure	<input type="checkbox"/> Riprap Repair / Replacement	

When completing this application, follow the specific instructions for the type of General Permit you are applying for. Instructions can be obtained on our website at dnr.wi.gov under the topic "Waterway and Wetland Permits", or from your local DNR Service Center.

Section II: Landowner Information

Name			Contact Person	
Mailing Address			Email Address	
City	State	ZIP Code	Telephone Number (include area code)	Fax Number

Section III: Agent Information (Consultant, Contractor, or Authorized Representative)

Name			Contact Person	
Mailing Address			Email Address	
City	State	ZIP Code	Telephone Number (include area code)	Fax Number

Section IV: Site Information

Local Address					Waterway Name	
1/4 / 1/4	1/4	Section	Township	Range E / W	County	
			N	<input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of _____		
Location Description						

Section V: Additional Information

Project Start Date (month/day/year)	Approximate Project End Date (month/day/year)	Date of Photographs
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I have investigated whether there are any wetlands at the construction site or any wetlands that may be affected by the project. ☐ Yes ☐ No

Be aware that the Department shall, pursuant to ch. NR 103, Wis. Adm. Code, require that the project comply with the water quality standards provisions in ch. NR 103. The presence of wetlands may affect eligibility for this general permit.

I have investigated whether there are any listed threatened or endangered species at the construction site. ☐ Yes ☐ No

Be aware that the Department shall, pursuant to s. 29.604(6r), Wis. Stats., determine whether approval of a general permit may affect a listed threatened or endangered species. The presence of a listed threatened or endangered species may affect eligibility for this general permit.

I have investigated whether there are any listed cultural or historical resources at the construction site. ☐ Yes ☐ No

Be aware that the Department shall, pursuant to s. 44.40, Wis. Stats., determine whether approval of a general permit may have an adverse affect upon historic property. The presence of historic property may affect eligibility for this general permit.

If you checked "Yes" to any of these questions, submit supporting documents with your application.

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Section VI: Location Sketch, Proposed Materials and Project Plans

Drawings of proposed activity should be prepared in accordance with sample drawing.

Location Sketch (Indicate scale)

Show route to project site: include nearest main road and crossroad.

N

1" = _____ ft.

Fire Number _____

Proposed Materials



Project Plans (Include top view and typical cross sections. Clearly identify features and dimensions or indicate scale.)

Use additional sheets if necessary.

N

1" = _____ ft.

Top View



Cross Section

Section VII. Permit Conditions	FOR DNR USE ONLY
1. The permit does not authorize any work other than what is specifically described in the application and plans dated as listed above and as limited by the conditions of the permit. A permittee shall obtain prior written approval of modifications from the department before modifying a project or amending permit conditions.	Date of Application and Project Plans
2. The permittee shall notify the department at telephone number listed above before starting construction and again not more than 5 days after the project is complete.	Telephone Number (include area code)
3. The permittee shall post a copy of this permit at a conspicuous location on the project site visible from the waterway, beginning at least 5 days prior to construction and remaining at least 5 days after construction. The permittee shall also have a copy of the permit and approved plan available at the project site at all times until the project is complete.	
4. Upon reasonable notice, the permittee shall allow access to the project site during reasonable hours to any department employee who is investigating the project's construction, operation, maintenance or permit compliance.	
5. The permittee shall complete the project on or before the expiration date listed above. If the project is not completed by the expiration date, the permittee shall submit to the department a written request for an extension prior to the expiration date of the permit. The request shall identify the requested extension date and the reason for the extension. The department may grant a permit extension for good cause shown. The permittee may not begin or continue construction after the original permit expiration date unless the department grants a new permit or permit extension in writing.	Project Expiration Date
6. The permittee shall submit a series of photographs to the department within one week of completion of work on the site. The photographs shall be taken from different vantage points and depict all work authorized by the permit.	
7. The permittee shall maintain the project in good condition and in compliance with the terms and conditions of the permit, this chapter and s. 30.206, Stats.	
8. The department may modify or revoke the permit if the project is not completed according to the terms of the permit or if the department subsequently determines the activity is detrimental to the public interest.	
9. Acceptance of a general permit and efforts to begin work on the activity authorized by the general permit signifies that the permittee has read, understood, and agreed to follow all conditions of the general permit.	
10. This project shall comply with all conditions identified in the following Wisconsin Administrative Code, and identified in the Instructions for the General Permit application.	Wis. Adm. Code
Section VIII. Findings of Fact	
1. The Department has determined that the project site and project plans meet the standards in s. 30.206, Stats. and the following Wisconsin Administrative Code, to qualify for this General Permit.	Wis. Adm. Code
2. The proposed project will not injure public rights or interests, cause environmental pollution as defined in s. 299.01(4), Wis. Stats., or result in material injury to the rights of any riparian owner, if constructed in accordance with this permit.	
3. The Department and the applicant have completed all procedural requirements, and the project as permitted will comply with all applicable requirements of Section 30.206, Wis. Stats., and Chapters NR 102, 103, 150, 299, 310 and the following Wisconsin Administrative Code.	Wis. Adm. Code
Section IX. Conclusions of Law	
1. The Department has authority under ch. 30, Wis. Stats., and applicable Wisconsin Administrative Codes, to issue a permit for the construction and maintenance of this project.	
2. The Department has complied with s. 1.11, Wis. Stats.	

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Section X: Certification and Permission

I am the owner of the riparian property or am the duly authorized representative and may sign this application on behalf of the owner(s) of said property. I hereby certify that the information contained herein is true and accurate. I have read and understand all of the conditions listed in this permit and in the Instructions. I have designed the project to comply with the conditions, and I will construct the above-mentioned project in compliance with all such conditions. I hereby give the Department permission to enter and inspect the site at reasonable times, to evaluate this application and to monitor compliance with any resulting permit. I understand that failure to comply with any or all of the provisions of the permit renders the authorization contained herein null and void and may result in a fine and/or imprisonment or forfeiture under the provisions of ch. 30, Wis. Stats.

Landowner or Agent Printed Name

Landowner or Agent Signature

Date Signed

Mail this signed, completed form, along with photos, plans, completed Fact Sheet (Form 3500-53A) and application fee to the appropriate Department of Natural Resources office in the region where the project is located. See the instructions for regional office addresses.

This permit application is approved when it is signed and dated below by an authorized Department of Natural Resources employee.

Section XI: Permit Approval					
(Leave Blank - DNR Use Only)					
Date Application Received	Docket #		Date Application Complete	Fee Received	
				\$	
<input type="checkbox"/> NHI Checked?	<input type="checkbox"/> Historic Checked?	ASNRI? <input type="checkbox"/> Yes <input type="checkbox"/> No	PRF? <input type="checkbox"/> Yes <input type="checkbox"/> No	PNW? <input type="checkbox"/> Yes <input type="checkbox"/> No	
STATE OF WISCONSIN, DEPARTMENT OF NATURAL RESOURCES For the Secretary			Title		
Issued By			Date Signed		

Copies of this permit sent to: Conservation Warden
U.S. Army Corps of Engineers
County Zoning Administrator